

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION**

RICHARD M. TRICE,

Plaintiff,

V.

ELI RODGERS, et. al,

Defendants.

No. 1:18CV000207 HEA

## OPINION, MEMORANDUM AND ORDER

This matter is before the Court on Plaintiff's Motion for Appointment of Counsel [Doc. No. 58]. The motion will be denied, without prejudice.

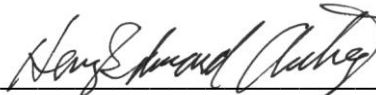
There is no constitutional or statutory right to appointed counsel in civil cases. *Nelson v. Redfield Lithograph Printing*, 728 F.2d 1003, 1004 (8th Cir. 1984). In determining whether to appoint counsel, the Court considers several factors, including (1) whether the plaintiff has presented non-frivolous allegations supporting his or her prayer for relief; (2) whether the plaintiff will substantially benefit from the appointment of counsel; (3) whether there is a need to further investigate and present the facts related to the plaintiff's allegations; and (4) whether the factual and legal issues presented by the action are complex. *See Johnson v. Williams*, 788 F.2d 1319, 1322–23 (8th Cir. 1986); *Nelson*, 728 F.2d at 1005.

After considering these factors, the Court finds that the appointment of counsel is not warranted at this time. This case is neither factually nor legally complex.

Accordingly,

**IT IS HEREBY ORDERED** that Plaintiff's Motion for Appointment of Counsel [Doc. No. 58], is denied without prejudice.

Dated this 15<sup>th</sup> day of October, 2020.

  
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HENRY EDWARD AUTREY  
UNITED STATES DISTRICT JUDGE